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EL SALVADOR DETENTION AND ALLEGED JOAQUIN ANTONIO CACERES HERNANDEZ  
===== TORTURE OF : JORGE ALIRIO PONCE MARTINEZ  
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According to Cáceres' testimony dated 14 November 1985 and made available to Amnesty International, he was forcibly taken in a red Toyota car to a parking lot adjacent to National Police headquarters and transferred to a larger type microbus. Once inside the microbus, his captors started questioning him about his supposed links with guerrilla organizations operating in El Salvador. The questioning was accompanied by beatings about the head and back. He was forced to remove his pull-over, which was subsequently tied around his neck and pulled tightly until he could not breathe. He states that he was also questioned about his human rights activities and the work of the CDHES, and that his captors stated that they were going "to detain all the members of the human rights group CDHES, because they are all subversives" ("capturar a todos los miembros de la Comisión de Derechos Humanos (no gubernamental) porque eran subversivos"). After being questioned for twenty minutes in the microbus, he was taken to National Police headquarters in San Salvador where he was examined by a woman who Cáceres identified as a nurse who asked him if he had been ill-treated. He was questioned by members of the SEAT, Special Anti-terrorist Division of the National Police, and made to sign a statement which he states he was not permitted to read.

While in the custody of the National Police Cáceres learned that a former member of the CDHES, 26-year-old Jorge Alirio Ponce Martinez had been detained and was also being held at National Police headquarters. Jorge Alirio Ponce represented the organization abroad in November 1984 when he went to Vienna to accept the Bruno-Kreisky Humanitarian Award reasons in the name of the CDHES. Jorge Alirio Ponce was reportedly detained at 4.30 pm on 7 November 1985 in San Salvador by heavily armed members of the National Police dressed in plain clothes. According to Ponce's testimony of 14 November 1985, a copy of which has been made available to Amnesty International, he was taken by force, blindfolded and handcuffed, to National Police headquarters, where he was interrogated for five days, during which he subjected to torture. He states that he was beaten with rifle butts, and a rope was put around his neck, and tightened until he lost consciousness. He was subsequently transferred to the



National Police clinic. He states he was later questioned by the SEAT, Special Anti-terrorist Division of the National Police, about his own and the CDHES' alleged links with the armed opposition. Throughout the five-day period of incommunicado detention, he was kept blindfolded, except on two occasions when he was taken from National Police headquarters by members of the National Police. The first time he was taken to the offices of the CDHES and the Comité de Madres y Familiares de Presos Desaparecidos y Asesinados Políticos de El Salvador "Monseñor Oscar Arnulfo Romero" (COMADRES), Committee of Mothers and Relatives of Political Prisoners, Disappeared and Killed in El Salvador, "Monsignor Oscar Arnulfo Romero". On a second occasion the National Police took him to the offices of the Archdiocese and again to the CDHES' office in order that he identify members of the CDHES and the COMADRES. His interrogators told him that they knew all the members of the CDHES and they were going to arrest all of them "since they knew they all belonged to the FMLN". <1>

Both Jorge Alirio Ponce Martínez and Joaquín Antonio Cáceres Hernández were transferred to La Esperanza Men's Prison in Mariona, outside San Salvador on 12 November 1985, charged with belonging to the Fuerzas Armadas de la Resistencia Nacional (FARN), Armed Forces of National Resistance, a member of the FMLN coalition.

Amnesty International is concerned that both men may have been detained as a result of their human rights activities. At the time of the detention of Joaquín Cáceres, a relative working with the COMADRES was visiting the United States to denounce human rights violations taking place in El Salvador. Sources in El Salvador indicate that this may have been a factor behind his detention.

Amnesty International is asking the Salvadorian authorities for a full and independent investigation into the torture Joaquín Antonio Cáceres Hernández and Jorge Alirio Ponce Martínez claim to have been subjected to and that any official found to have been responsible be brought to justice. The organization is also inquiring into the exact charges against Cáceres and Ponce and is urging that no statements obtained under torture be used as evidence against the prisoners, as stipulated in Art. 12 of the United Nations Declaration Against Torture of 1975: "Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment may not be invoked as evidence against the person concerned or against any other person in any proceedings." Amnesty International is also asking that both Joaquín Antonio Cáceres and Jorge Alirio Ponce be granted a prompt and fair trial according to internationally agreed standards or that they be released. Amnesty International first appealed on behalf of Joaquín Antonio Cáceres Hernández on 13 November 1985 (see UA 315/85 - AMR 29/49/85) and again, along with Jorge Alirio Ponce Martínez, on 22 November 1985 (AMR 29/51/85).

#### BACKGROUND

President José Napoleón Duarte assumed power in El Salvador following elections held in March and May 1984. He stated in his inaugural speech on 1 June 1984 that he intended to "fight openly and tirelessly to control abuse of authority and the violence of the extremes, the death squads, and

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<1> Frente Farabundo Martí para la Liberación Nacional (FMLN), Farabundo Martí Front of National Liberation, the coalition of the Salvadorian armed opposition.



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Joaquin Antonio Cáceres Hernández aged 24, Press and Information Secretary, and long-standing board member of the Comisión de Derechos Humanos de El Salvador (no-gubernamental) (CDHES), El Salvador Commission for Human Rights (non-governmental) was reportedly detained on 8 November 1985 at 7.30 pm as he was returning home from work in the capital San Salvador by four heavily armed members of the National Police dressed in plain clothes.

According to Cáceres' testimony dated 14 November 1985 and made available to Amnesty International, he was forcibly taken in a red Toyota car to a parking lot adjacent to National Police headquarters and transferred to a larger type microbus. Once inside the microbus, his captors started questioning him about his supposed links with guerrilla organizations operating in El Salvador. The questioning was accompanied by beatings about the head and back. He was forced to remove his pull-over, which was subsequently tied around his neck and pulled tightly until he could not breathe. He states that he was also questioned about his human rights activities and the work of the CDHES, and that his captors stated that they were going "to detain all the members of the human rights group CDHES, because they are all subversives" ("capturar a todos los miembros de la Comisión de Derechos Humanos (no gubernamental) porque eran subversivos"). After being questioned for twenty minutes in the microbus, he was taken to National Police headquarters in San Salvador where he was examined by a woman who Cáceres identified as a nurse who asked him if he had been ill-treated. He was questioned by members of the SEAT, Special Anti-terrorist Division of the National Police, and made to sign a statement which he states he was not permitted to read.

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#### BACKGROUND

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all the problems of injustice and power they represent". He subsequently declared on several occasions his intention to ensure that the military and security forces did not continue to exceed their authority and his intention to establish bodies to investigate a number of specific past human rights abuses and to receive complaints from the public concerning abuses of authority on the part of members of the security forces.

Despite such declarations, Amnesty International has continued to receive reports of human rights violations, including arbitrary detentions, "disappearances", individual death squad killings and the extrajudicial execution of non-combatant civilians. In recent months the violations appear to be taking place on a more selective basis than was the case under previous administrations against people suspected of being in opposition to the present government or of being sympathetic to those that are. Nonetheless the abuses continued throughout 1985 on a large scale and appeared to be part of a deliberate government program.

In all but a very few known instances, the many thousands of human rights violations which have occurred in recent years have gone uninvestigated and their perpetrators unpunished. Instead, in response to expressions of international concern regarding human rights violations a series of governments have blamed them on so-called "death squads", which it described as independent groups of the left and right which were out of government control. However Amnesty International's analysis of the available information, including the study of thousands of individual cases over a period of several years, has led it to conclude that the death squads are made up of members of the Salvadorian security and military forces acting under direct orders of superior officers.

The torture of political prisoners while in unacknowledged detention has occurred in the context of Decree Law 50 of 24 February 1984, "Ley de procedimientos penales al suspenderse las garantías constitucionales" - "Law of penal proceedings when constitutional guarantees are suspended". This Decree allows law enforcement agencies to hold a suspect for a period of 15 days in administrative detention - a period during which s/he is not allowed access to legal counsel - before bringing him or her before a military examining magistrate.

Decree Law 50 further stipulates that proceedings may be initiated against defendants simply on the basis of denunciations and admits extrajudicial confessions which are reportedly frequently obtained under torture, particularly during the 15-day-period of incommunicado detention, as evidence against the prisoner.

Amnesty International believes that this Decree, which governs proceedings against persons over the age of 16 accused of offences against the state, applicable while the current State of Siege is in force, which has been re-imposed regularly in El Salvador since it was first declared in March 1980, permits arrest and detention procedures, which facilitates human rights abuses, including "disappearance" and torture, particularly during the 15 days of incommunicado detention.

#### Human Rights Violations directed against Human Rights Activists

In recent months Amnesty International has noted that human rights activists appeared to be particular targets of human rights violations. On 12 June 1985, armed men in civilian clothes are reported to have broken into the offices of the CDHES and the COMADRES. During the attack,



documents and photographs were taken, including confidential testimonies of relatives of victims of human rights abuses. In a communication to the President of the Republic of El Salvador, José Napoleón Duarte, Amnesty International urged that the necessary steps be taken by the authorities to ensure the safety of members of both organizations, as well as that of the people who had given information to them on human rights abuses.

On 9 July 1985, six heavily armed civilians driving a Cherokee truck went to the home in San Salvador of Maria Ester Grande Rosales, a member of the COMADRES, and took her away, together with her 23-year-old son Héctor Ariel Grande Arbel. The men reportedly said they were from the National Police, although it was later reported that Maria Grande was being held at the headquarters of the Treasury Police in San Salvador. Maria Grande was released on 10 July. Her son, Héctor Grande, who is still detained, was reportedly questioned about the members of the COMADRES. (See UA 188/85 - AMR 29/28/85)

On 11 July 1985, Amnesty International telexed the President of El Salvador, to express concern about serious threats reportedly received by Monseñor Arturo Rivera y Damas, the Archbishop of San Salvador, after a sermon in which he condemned the violence used by both sides in the conflict in El Salvador and spoke of the "terrorism of the right and of the army". Amnesty International appealed to the Salvadorian government to take measures to ensure the protection of the Archbishop.

For further information on human rights violations against members of the CDHES (non-governmental) and other human rights activists, see also "Extrajudicial Executions in El Salvador - Report of an Amnesty International Mission to Examine Post-Mortem and Investigative Procedures in Political Killings 1-6 July 1983", published in May 1984 (AMR 29/14/84), pp. 25 to 30 - "Repression Directed at Staff of Human Rights Monitoring and Reporting Groups" and Case Study 'D' pp. 41 to 43 regarding the death in disputed circumstances of CDHES president and founder member, Marianella García Villas.



APPENDIX ITESTIMONY OF JOAQUIN ANTONIO CACERES HERNANDEZ

"Mariona Prison, 14 November 1985

I, Joaquín Antonio Cáceres, was captured with a friend on Friday 8 November 1985 at 7.30 pm in front of the Hipotecario Bank, San Salvador by four heavily armed members of the National Police dressed in civilian clothes, driving a red Toyota. They took us to a parking lot near the National Police, forced us out separately and put me in a microbus that was in poor condition.

From the moment of my capture, they beat me about the back as I was lying face down on the floor of the car. When they had me in the microbus they accused me of belonging to an organization of the FMLN, the National Resistance, and asked me for the name of the person I was responsible to. When I denied everything, they continued beating me and covered my mouth and nose tightly so that I could not breathe. They hit me on the head several times as well as on the chest and stomach. They told me to take my shirt off and then placed it around my neck and tried to strangle me. They did all this to force me to confess to their accusations and when I could not bear it any longer, I said yes, that I knew the person they were talking about, although I know this is not so, because my work is to struggle for respect for human rights and the rights of the people. After beating me for a further twenty minutes, they took me out of the microbus and put me back into the vehicle in which I had originally been detained. They transferred me to the National Police where I was seen by a nurse, who asked me if I had been beaten; I said yes, and that they had tried to strangle me and showed her the bruises on my neck; the police who were there started to laugh. I was later taken inside to "SEAT" [Anti-terrorist Investigation Section], previously known as "CAIN". They took me to a cubicle where they took a statement; it was, in fact, an interrogation. They wanted me to sign the "statement", but when I asked the interrogator, if I could read it, he refused. At around 2.00 a.m. on Saturday morning they took me to another floor where they took my personal details and those of my family. They took fingerprints of both hands and later photographs from three different angles, as if I were a common criminal. Later they took me to a cubicle where I was questioned until about 10.00 a.m., when another interrogator took my statement. His name was Ivan. This interrogation lasted until 5.30 p.m. on Saturday 9 November, this I knew by the clock. I realized that there were many people detained there accused of being guerrillas and it was on Monday, 11 November that I learned that another person that used to work at CDHES was also being held in SEAT, his name is Jorge Alirio Ponce; they told me that they were going to arrest all the members of CDHES because they were subversives.

I had seen the vehicle in which they captured me, before, when I left the office on Friday at 5.30 p.m.; they were waiting for me to come out to arrest me elsewhere, and that was what happened. I wish to say that it was not until Monday [11 November] at 4.30 that they took me to the cells where the Red Cross visit. On Tuesday at the same hour they took me to Mariona Prison, where I am unjustly detained in the same way as the other political prisoners.



I fear for the safety of my family and my colleagues. For this reason I ask the international community for the support and solidarity they have always given us and that they demand my freedom."

(Translation by Amnesty International)

ORIGINAL SPANISH TEXT OF TESTIMONY OF JOAQUIN ANTONIO CACERES HERNANDEZ

"Penal de Mariona, 14 de noviembre de 1985.

JOAQUIN ANTONIO CACERES HERNANDEZ, capturado el viernes ocho de noviembre de mil novecientos ochenta y cinco a las siete treinta p.m., frente al Banco Hipotecario de San Salvador, por cuatro elementos vestidos de civil, fuertemente armados de la Policía Nacional en un vehículo marca Toyota rojo, junto con un amigo, llevándonos a un parqueo cerca de la Policía Nacional sacándonos separadamente e introduciéndome en un vehículo tipo Microbús en mal estado. Desde el momento de mi captura me golpearon en la espalda ya que me llevaban viendo hacia el piso del carro, cuando me tenían en el microbús me relacionaban con una organización del FMLN o sea la RN y que donde estaba mi responsable, cuando yo negaba todo eso me seguían golpeando y comenzaron a taparme la boca y la nariz fuertemente para que no respirara, lo mismo que golpes en la cabeza varias veces, en el pecho y estómago y mi camisa la cual me habían dicho que me la quitara me la enrollaron en el cuello hasta apretarme para estrangularme, todo lo hacían para que me hiciera cargo de lo que me acusaban y cuando yo no soporté dije que sí y que conocía a la persona que me relacionaban pero estoy consciente que no es así, porque mi trabajo es luchar porque se respeten los derechos humanos de nuestro pueblo, que después que me golpearon, que fue un espacio de veinte minutos incesantes, me sacaron del microbús y me metieron en el vehículo que me capturaron, trasladándome ya a la Policía Nacional donde me atendió una enfermera preguntando si estaba golpeado y yo le dije que sí, y que quisieron estrangularme por lo que presentaba en el cuello indicios de que así fue y los policías queallise encontraban les dio risa. Posteriormente me trasladaron adentro, o sea al "SEAT" que antes era "CAIN", me llevaron a un cubículo donde me tomaron declaración, o sea que fue una interrogación, dicha "declaración" hicieron que la firmara, pero antes de eso le dije al que me interrogó que quería leerla, pero no quiso. Como a las dos de la madrugada del día sábado me llevaron a otro piso donde me tomaron mis datos personales y de mi familia, me tomaron las huellas digitales de las dos manos y después me tomaron fotos en tres posiciones como que era un delincuente. Después me llevaron a un cubículo donde estuve sentado, hasta como a las diez de la mañana que otro interrogador me tomó otra declaración, dijo que se llamaba "IVAN"; esta interrogación duró hasta las 5.30 p.m. del sábado nueve de noviembre ya que le vi el reloj. Que me di cuenta que tenían a muchas personas detenidas allí y que las acusaban de ser guerrilleros y fue hasta el día lunes once de noviembre que supe que una persona que trabajó antes en la CDHES estaba también en el SEAT capturado, él se llama JORGE ALIRIO PONCE; me dijeron que iban a capturar a todos los de la CDHES porque eran subversivos. Que el vehículo en el que me llevaron capturado yo lo vi cuando sali de la oficina el viernes a las cinco y treinta p.m. por lo cual estaban esperando que saliera y capturarme en otra parte, lo cual así fue. Quiero expresar que fue hasta ese día lunes a las cuatro y treinta p.m. que me llevaron a las bartolinas donde visita el CICR, hasta el martes a la misma hora que me trajeron al Centro Penal de Mariona donde me encuentro injustamente detenido al igual que los demás presos políticos. Temo por la seguridad de mi familia y de mis compañeros de trabajo, por lo que pido a la comunidad internacional el



apoyo y la solidaridad que siempre nos han brindado y que exijan mi libertad."

EXTRACTS FROM ENGLISH VERSION OF TESTIMONY OF JORGE ALIRIO PONCE MARTINEZ  
(made available to Amnesty International by one of El Salvador's local human rights groups)

"Jorge Alirio Ponce, 14 November 1985

At the moment of my capture, I was savagely beaten and forced into a recent model grey vehicle. I was blindfolded and handcuffed. They began interrogating me and striking me all over with the guns they were carrying... Upon our arrival at the headquarters of the National Police, they started beating me on my back with their rifles. They tightened my handcuffs and put a rope around my neck to choke me. They tightened the rope and I don't remember when they loosened it. I only remember that I woke up in their clinic... I was transferred to the interrogation cubicles, "SEAT" [Anti-terrorist Investigation Section]. From the moment of my arrival, I was threatened with death if I didn't accept the charges they were accusing me of... All through Thursday night I was interrogated by two men whom I couldn't see since I remained blindfolded. They told me that they knew all of the movements of the members of the Commission and that they were going to capture everyone, since they knew that everyone belonged to the FMLN... On Friday the 8th at 8.30 a.m. I was taken out in a grey car with polarized windows and I was brought directly to the place where the Commission and the Committee of Mothers are located... Whenever they saw someone entering they would ask me who the person was... On Monday the 11th I was taken out again in another car, one that was red. They brought me to the Archdiocese, to the Fenestras <1> office and to the Commission. They wanted me to identify the members of the Commission..."

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<1> Federación Sindical Revolucionaria (Revolutionary Trade Union Federation)